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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/850,301	05/07/2001	Mark A. Teribile	1	2198
30594	7590	03/28/2006	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C.			LUU, LE HIEN	
P.O. BOX 8910			ART UNIT	
RESTON, VA 20195			PAPER NUMBER	

2141

DATE MAILED: 03/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	09/850,301	TERRIBLE, MARK A.	
	Examiner	Art Unit	
	Le H. Luu	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20, 22-31 and 33-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20, 22-31, and 33-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 1-20, 22-31, and 33-36 are presented for examination.
2. Claims 1-20, 22-31, and 33-36 are objected to because of the following informalities: Applicant uses "Internet site" and "Internet site name" interchangeably. For consistency, applicant is requested to use "Internet site name" or "Internet site names" in all claims. Appropriate correction is required.
3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1-15 and 37-40 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Peercy et al. (Peercy) patent no. 5,960,429, in view of Doyle pub. no. 2002/0099807. In addition, Chauvel et al. (Chauvel) patent no. 6,826,652 is used to support well-known teachings.
5. As to claim 1, Peercy teaches the invention substantially as claimed, including a
 - (a) receiving an Internet site name (col. 2, lines 19-31);
 - (b) storing the Internet site name (FIG. 2, ref. 28; wherein the Internet site name is in the form of URL) in an entry of a table having n entries (FIG. 2, ref. 28 & 30; col. 4

lines 30-47; the table has name field and a count field) if the Internet site name is not in the table (FIG. 2, ref. 24); and

(c) counting the number of times the Internet site name has been received (FIG. 2, ref. 30).

However, Peercy fails to explicitly teach that if the Internet site name is new and the table is full, selecting an entry from a set of replaceable entries in the table and replace the selected entry with the new entry and caching a resource corresponding to at least one of a most frequently used Internet sites r where $r \leq n$, wherein the table includes both replaceable and irreplaceable entries.

Doyle teaches replacing an entry in cache with a new entry when the cache is full (Abstract, page 3, paragraph [0026]). In addition, Official Notice is taken that table including both replaceable and irreplaceable entries is well-known (Chauvel, patent no. 6,826,652; col. 1 lines 46-52; Chauvel disclosed in the background of the invention).

It would have been obvious to one of ordinary skill in the computer art at the time of the invention to combine the well-known teachings with the teachings of Peercy and Doyle to replace one of the entry with the new entry, caching web contents corresponding to at least one of a most frequently used web sites, and provide a table includes both replaceable and irreplaceable entries because it would reduce cost and improve access time.

6. As to claims 2-4, Peercy and Doyle teach the Internet site name is a URL; each entry of the table has a name field for storing the Internet site name and a count field for

storing the number of times the Internet site name has been received; retrieving r most frequently used Internet site names according to the value of the count field of each entry (Peercy, Figure 2; col. 4 lines 30-47).

7. As to claim 5, Peercy and Doyle teach if the table is full and the Internet site name is not in the table, replace one of the q least frequently used entries according to the value of the count field of each entry (Doyle, page 3, paragraph [0026]).

8. As to claims 37-38, Peercy and Doyle teach cached resource is a HTML file or an audio file (Peercy, col. 2 lines 19-25).

9. As to claims 6-15 and 39-40, limitations of claims 6-15 and 39-40 that are similar to limitations of claims 1-5 and 37-38 are being rejected under the same rationale. In additional, Peercy teaches sorting entries in the table (Peercy, col. 4 lines 41-47).

10. Claims 16-20, 22-31, 33-36, and 41-42 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Peercy et al. (Peercy) patent no. 5,960,429, in view of Doyle pub. no. 2002/0099807, and Swildens, pub. no. 2001/0034792.

11. As to claims 16-20, 22-31, 33-36, and 41-42, limitations of claims 16-20, 22-31, 33-36, and 41-42 that are similar to limitations of claims 1-5 and 37-38 are being rejected under the same rationale. Peercy and Doyle teach the invention substantially as claimed as discussed above; however they do not explicitly teach converting the Internet site name into a hash number and storing the number into an entry in a table.

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Swildens teaches hashing server names or addresses into numbers and storing them in a table (figures 4-5 and 7-8; pages 4 and 6, paragraphs [0077 – 0087] and paragraphs [0131 – 0132]). It would have been obvious to one of ordinary skill in the computer art at the time of the invention to combine the teachings of Peercy, Doyle, and Swildens to convert the Internet site name into a hash number and storing the number into an entry in a table because it would keep the table small and manageable.

12. In the remarks, applicant argued in substance that

(A) Prior art does not teach counting the number of times an Internet site name has been received, and if the Internet site name is new and the table is full, selecting an entry from a set of replaceable entries in a table, where the table includes both replaceable and irreplaceable entries.

As to point (A), Peercy teaches a table contains rows and columns where each row includes title, web site (URL or Internet site name), and counter that is incremented every time the web site is accessed (col. 2, lines 19-31; FIG 2, col. 4, lines 30-47).

However, Peercy fails to explicitly teach that if the Internet site name is new and the table is full, selecting an entry from a set of replaceable entries in the table and replace the selected entry with the new entry and caching a resource corresponding to at least one of a most frequently used Internet sites r where $r \leq n$, wherein the table includes both replaceable and irreplaceable entries.

Doyle teaches replacing an entry in cache with a new entry when the cache is full (Abstract, page 3, paragraph [0026]). In addition, Official Notice is taken that table

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including both replaceable and irreplaceable entries is well-known (Chauvel, patent no. 6,826,652; col. 1 lines 46-52; Chauvel disclosed in the background of the invention).

It would have been obvious to one of ordinary skill in the computer art at the time of the invention to combine the well-known teachings with the teachings of Peercy and Doyle to replace one of the entry with the new entry, caching web contents corresponding to at least one of a most frequently used web sites, and provide a table includes both replaceable and irreplaceable entries because it would reduce cost and improve access time.

Chauvel teaches there is a tradeoff for using irreplaceable entries in cache. Certain routines have critical time constraints or need predictable execution time. Irreplaceable entries in cache can be used to eliminate latencies due to cache misses even though irreplaceable entries in cache reduce the size and associativity of the cache known (Chauvel, col. 1 lines 46-52).

(B) Prior art does not teach converting an Internet site name into a hash number.

As to point (B), Swildens teaches hashing server names or addresses (Internet site names) into numbers and storing them in a table (figures 4-5 and 7-8; pages 4 and 6, paragraphs [0077 – 0087] and paragraphs [0131 – 0132]).

(C) Prior art does not teach audio file.

As to point (C), Peercy teaches server caches HTML files which include

multimedia file (col. 2 lines 19-31).

13. Applicant's arguments filed on 01/09/2006 have been fully considered but they are not deemed to be persuasive.

14. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

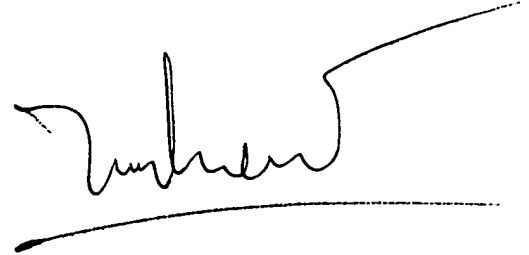
15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Le H. Luu whose telephone number is 571-272-3884. The examiner can normally be reached on 7:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'LeNien Luu', is written over a horizontal line. The signature is stylized with a large, sweeping 'L' and a long, horizontal stroke at the end.

LENIEN LUU
PRIMARY EXAMINER